

CITY COUNCIL PROCEEDINGS

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MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, May 14, 2002
Tuesday, 9:02 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Burnett, City Clerk; present.

Mayor Knight gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of May 7, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

YOUTH SERVICE Wichita's Promise – Youth Community Service Awards were presented.

PROCLAMATION Proclamation previously approved was presented.

NEW BUSINESS

PAVE KESSLER PETITION TO PAVE KESSLER, SOUTH OF DORA STREET. (District IV)

Mike Lindebak City Engineer reviewed the Item.

Agenda Report No. 02-1368

The signatures on the Petition represent 2 of 10 (20%) resident owners and 52.4% of the improvement district area. District IV Advisory Board held an April 3, 2002, neighborhood hearing on the Petition. The Board voted 6-0 to recommend approval.

The project will serve an industrial area.

The estimated project cost is \$159,000, with \$113,000 assessed to the improvement district and \$46,000 paid by the City. The method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.22 per square foot. The City share is for the cost of intersection construction. The funding source for the City share is General Obligation Bonds.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Gale moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and
-- carried Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.

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RESOLUTION NO. 02-231

Resolution of findings of advisability and Resolution authorizing improving Kessler from the north line of Dora to a point 50 feet north of the south line of Lot 5, Block 7, West Warehouse Addition (east of West Street, north of K-42) 472-83529, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

PAVE HOOVER

PETITION TO PAVE HOOVER FROM THIRD STREET TO ST. LOUIS. (District IV)

Mike Lindebak

City Engineer reviewed the Item.

Agenda Report No. 02-1369

The signatures on the Petition represent 6 of 11 (54.6%) resident owners and 35.7% of the improvement district area. District IV Advisory Board held an April 3, 2002, neighborhood hearing on the Petition. The Board voted 6-0 to recommend approval.

The project will serve a residential area.

The estimated project cost is \$110,000, with the total assessed to the improvement district. The method of assessment is the square foot basis. The estimated rate of assessment to individual properties is \$00.39 per square foot.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

-- carried

Gale moved that the Petition be approved; the Resolution be adopted; and the Staff Screening and Selection Committee be authorized to select a design engineer.. Motion carried 7 to 0.

RESOLUTION NO. 02-232

Resolution of findings of advisability and Resolution authorizing improving Hoover from the north line of Third Street to the south line of St. Louis, 472-83530, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gale moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

DR02-01

DR02-01 – CONSIDERATION OF SPECIAL INTERIM LAND USE REGULATIONS FOR THE MIDTOWN NEIGHBORHOOD – 18TH STREET (ON THE NORTH), MURDOCK (ON THE SOUTH), THE ARKANSAS RIVER (ON THE WEST), AND THE RAILROAD CORRIDOR (ON THE EAST). (District VI)

Agenda Report No. 02-1370

The Midtown neighborhood (District VI) is one of the oldest neighborhoods in the City of Wichita. The neighborhood has a rich history that reflects the community as a whole and contains a diverse mix of people, businesses and institutions. The neighborhood boundaries are Murdock to the south, the Arkansas River to the west, the UP/BNSF Railroad to the east, and 18th St. to the north. This established residential neighborhood places the neighborhood within close proximity to the Central Business District, the "Museums on the River" District, Old Tow, and other major City attractions.

Work has recently commenced on the development of the Midtown Neighborhood Revitalization Plan, which is slated for adoption in the Spring of 2003. One of the primary goals of this neighborhood

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planning effort is to preserve and strengthen the residential areas of the neighborhood. A particularly unique land reuse opportunity also exists in association with the abandoned UP rail right-of-way corridor. The City of Wichita has reversionary rights to a significant portion of this abandoned ROW. Through a partnership process involving the City, County and the community members themselves, neighborhood stakeholders and residents are meeting on a monthly basis to discuss issues, gather information, and identify strategies for revitalization and redevelopment of the neighborhood.

Within the last week, Council member Fearey has received expressions of concern from Midtown citizens that some activities may be allowed under the current zoning regulations for this area (while work is underway on the neighborhood plan), that will be contrary to the overall goals of the plan. One particular example is the 1600 block of North Topeka, that is developed with single family homes, mostly owner-occupied, on both sides of the block except for one vacant lot. Because the land on this block was zoned General Commercial decades ago when the UP railroad near this block was active and someone thought it could redevelop with heavy commercial uses, there is now the prospect of an auto paint or body shop on the one vacant lot on this block. If this were to occur, it would absolutely ruin the quiet residential character of this area.

On May 6, 2002, City Council directed staff to undertake an analysis of what kinds of special interim regulations might be appropriate over the next several months to address these concerns, while work is underway to complete the neighborhood plan, and to place this as an item for consideration on the May 14, 2002, City Council agenda.

In response to this request, staff has prepared the attached resolution that would create a development moratorium for non-residential new construction or additions on lots zoned industrial or commercial within certain predominantly residential areas within the Midtown Neighborhood Revitalization Plan. As well, a development moratorium is included for all new construction or additions proposed within the abandoned UP rail right-of-way located between Murdock Street and 15th Street and Broadway. This moratorium would also apply throughout the Midtown Neighborhood Revitalization Plan area to all conversions of residential structures, and to all demolitions of residential structures, unless these structures have been deemed unsound by the City's Office of Central Inspection, and building demolition is recommended for public health and safety reasons.

Given that the completion and adoption of the Midtown neighborhood plan (and an accompanying rezoning initiative) is not expected until May 2003, the moratorium is proposed for a one year period, with the stipulation that not later than 6 months from the resolution adoption date, City Council shall review the progress on the completion of the plan and determine the length of time for the continuation of the moratorium or the modification of any of its provisions.

Adoption of the resolution itself involves no additional funding on the part of the City.

The City has the authority to establish a development moratorium for specific purposes and a limited time. The Law Department has approved the resolution as to form.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Fearey moved that the moratorium be approved and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02- 233

A Resolution of the governing body of the City of Wichita, Kansas declaring a moratorium on the processing of certain permits for certain properties in the Midtown Neighborhood revitalization plan area, presented. Fearey moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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LIQUOR

SPECIAL LIQUOR TAX FUNDS.

Cathy Holdeman

City Manager's Office reviewed the Item.

Agenda Report No. 02-1371

The Special Liquor Tax Coalition has recognized the need to track clients after they receive treatment services to ensure clients (and their family members) receive necessary programs and services to successfully re-integrate into society. City-funded treatment programs concentrate efforts (and outcome based measurements) on addressing changes made in the person's life while they are in a treatment program. Due to staffing shortages, funding deficiencies and lack of technology, agencies do not have the resources to adequately and effectively track clients after they leave their respective treatment program. As a result, clients may relapse and many re-enter the same or another treatment program. On March 5, 2002, the City Council authorized staff to seek proposals for case management services which could be provided over a two-year period of time to improve tracking/monitoring.

The City Council in a past meeting also recognized the need for innovative prevention and treatment projects to address alcohol and substance abuse. The Council authorized staff to issue proposals for innovative projects. The Special Liquor Tax Coalition reviewed both the case management proposals and innovative pilot projects and have developed recommendations for City Council consideration.

On March 5, 2002, the City Council authorized staff to initiate proposals for case management and innovative pilot projects. Funding was not to exceed \$550,000 for case management services (over a two-year period of time) and \$250,000 for innovative pilot projects.

The City received four (4) proposals for case management services. The proposal recommended to the City Council is from Miracles, Inc. This firm met all of the requirements, including: a process to acquaint themselves with the clients before the client leaves the treatment program to assess the needs of the client; development of measurable goals and objectives for each client; staffing and operational resources to assess and improve the well-being of the client (with respect to family relationships, employment, sufficiency of income, transportation, job training, counseling and support services, violations with the law and other conditions in the environment that increase and individual's capacity to function in society free from alcohol and other drug abuse); and the ability to utilize technology to track the progress of the client enabling the City to evaluate the success of treatment programs and case management services. The total project request is for \$491,243 with \$249,659 to be expended in the first year and \$241,584 in the second year.

Innovative Projects: The City received seven proposals for innovative projects. Five proposals are being recommended by the special Liquor Tax Coalition for funding. A brief description of the recommendations and funding amounts follows.

Requested/Recommended

Higher Ground (A Tiyospaye, Inc. Program) - Provides adventure based alcohol and drug education and challenge courses on-site to schools and other community organizations for children age 11-17. \$68,535/\$68,535

Communities in Schools - Targets children age 10-12 who are currently receiving case management services through CIS. Program focuses on substance and alcohol abuse awareness and prevention and education for children and family members \$30,557/\$30,557

Center for Health and Wellness - Will team with Addiction Specialists of Kansas to provide alcohol and drug treatment services to the under-served African American Community targeting those 18 and older. The program is part of the comprehensive education, prevention and treatment services provided at the clinic \$111,055/\$55,527

Regional Prevention Center - The program targets youth and families from the New Hope program for families of incarcerated men and youth and families from the Reclaim Project for women in transition from incarceration. The participants are primarily African American and Hispanic returning offenders and families. The program will strengthen skills and positive connections to the community through parenting classes and the creation of a parent/resource family events program as a way to assist returning offenders in establishing connections to the community and practicing effective parenting skills. \$104,194/\$76,394

Youth Development Services - Targets a multicultural group of parents and families to improve parenting skills and prevent substance abuse, social isolation, domestic violence, homelessness and child abuse and neglect through a Parent Action League. Includes education and prevention services, case management services, leadership training and other support services. \$55,487/\$27,744

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Wichita School District - Provides monitoring of middle and high school students who have violated the school alcohol/drug policy for the first time \$54,620/Not recommend For funding

Big Brothers/Big Sisters - Project targets elementary and middle school at risk youth by pairing in a one-to-one Big Brothers or Big Sisters relationship during the summer months. Activities include substance abuse curriculum. \$77,270/Not recommended for funding

Total Funding for Pilot Programs \$258,757

The pilot programs recommended by the Coalition were based upon a demonstration that the service provided was unique, provide innovative approaches for addressing alcohol and substance abuse need, the ability to demonstrate outcome-based measurements, financial management, the qualifications and experience of the service providers, and the ability to engage in meaningful partnerships to enhance the program. Of the five programs recommended for funding, one organization – the Communities and Schools - has not been previously funded by Special Liquor Tax funds but has a strong reputation for providing quality services to the community. The other programs have been funded by Special Liquor Tax and have a demonstrated a proven track-record for providing quality service delivery.

Two programs were recommended for full funding, Higher Ground and Communities and Schools. Two programs were recommended for funding one-half of the request, the Center for Health and Wellness and Youth Development services. One program, the Regional Prevention Center was recommended for funding at 74% of the request as this program presented a unique approach to addressing the growing population of offenders reintegrating into the community.

The City is requesting authorization for \$491,243 for case management services to be utilized over a two-year period of time. Additionally, \$258,756 is being requested for innovative pilot programs for a total of \$750,000. Based upon Council action from the March 5, 2002, meeting, to not exceed the budget of \$800,000, additional funding could be allocated for Special Liquor Tax Programs. Staff is developing further recommendations to bring to the Council that will deal with the expenditure of the balance of the funding, but retaining a working contingency amount.

Mayor Knight Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- Martz moved that the funding levels for service providers, as recommended, be approved; and Staff be authorized to enter into Contracts with the agencies. Motion carried 7 to 0.
-- carried

NUISANCE CODE **NEW JOINT NEIGHBORHOOD NUISANCE CODE – TITLE 8.**

Matt Jordan City Manager's Office reviewed the Item.

Agenda Report No. 02-1372

In July 1999, a Staff Task Team comprised of representatives from Environmental Health, Central Inspection, Fire, Police, Law and Personnel issued a report that outlined ways to improve enforcement of neighborhood nuisance codes. This report called for specific action steps for expanded code enforcement and has served as the "blue print" for subsequent efforts by staff to achieve improved service delivery.

A central theme within this report is the need for better coordination among City departmental personnel in the area of nuisance code enforcement. The current nuisance enforcement system is cumbersome due to the number of legal action steps and departments required that often times frustrates neighbors who wish to see blighted properties cleaned-up in a more expeditious manner. There are numerous legal and administrative reasons for the way the current system operates. Nonetheless, joint action is considered the key component to improving service delivery.

The proposed new Code will empower staff from multiple departments with the authority to enforce specified neighborhood nuisance codes and to remove/abate violations more quickly from residential areas. As proposed, enforcement authority will be granted to personnel in Central Inspection, Environmental Health, Public Works, Fire and Police Departments. In addition, the number of steps

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required to enforce violations will be significantly reduced within the legal requirements. The proposal reflects an increased emphasis on abatement/clean-up with less reliance on court-ordered remedies.

Listed below are the violations covered in this proposal with maximum time -lines prescribed for owners/occupants to correct or remove a nuisance problem before the City proceeds with abatement action, when applicable:

- Nuisance Lighting
- Outdoor storage on porches
- Graffiti (7 days)
- Illegal ROW Signage (immediate removal/abatement without notice)
- Illegal Front and Side Yard Parking
- Noxious Weeds (5 day maximum abatement period)
- Junk Vehicles (10 day maximum abatement period)
- Trash, Junk, Debris (10 day maximum abatement period)
- Illegal Outdoor Storage (10 day maximum abatement period)
- Tree waste (10 day maximum abatement period)

Abatement of nuisances covered under this new joint code will be the preferred method for correcting violations in lieu of court-ordered remedies, which are the primary methods used under the current system. Moreover, specified time frames for compliance with limited extensions of time for compliance will help simplify and expedite the abatement process, which achieves the desired benefit of cleaner neighborhoods. Under the proposal, citations will be issued but abatement actions will no longer be delayed pending hearings on contested citations.

No additional costs are directly associated with adoption of a new comprehensive code. However, joint enforcement and substantially increased abatement actions will require additional resources, primarily attributed to abatement and administrative actions. These costs will be incorporated into the revised 2002 and proposed 2003 annual budgets.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Robert Cowdry

Robert Cowdry, referencing the Kansas Constitution Bill of Rights and the Homestead Act, said search and seizure without a warrant is illegal. If a person cannot use their front porch for storage, that person is deprived of using the property as desired and the property is no longer useful.

Motion --

Lambke moved that the Staff be authorized to finalize implementation of administrative steps required to conduct joint enforcement, including development of budget proposals for increased abatement actions; and the Ordinances be placed on first reading. Motion carried 7 to 0.

-- carried

ORDINANCE

An Ordinance creating Title 8 of the Code of the City of Wichita, Kansas, pertaining to nuisances in residential districts, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Sections 7.40.010, 7.40.045, 7.40.046, 7.40.047 and 7.40.060 and creating Section 7.40.065 of the Code of the City of Wichita, Kansas, pertaining to environmental health standards, rang grass, weeds or other vegetation as nuisances and repealing the originals of said Sections, introduced and under the rules laid over.

ORDINANCE

An Ordinance amending Sections 11.97.010, 11.97.020, 11.97.030, 11.97.040 and 11.97.045 of the Code of the City of W ichta, Kansas, pertaining to towing and impound regulations and repealing the originals of said Sections, introduced and under the rules laid over.

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ORDINANCE

An Ordinance amending Sections 24.04.200 and 24.04.210 of the Code of the City of Wichita, Kansas, pertaining to prohibited locations – general requirements and removal of signs placed upon public property and repealing the originals of said Sections, introduced and under the rules laid over.

CITY COUNCIL AGENDA

APPOINTMENTS

NAMING COMMITTEE: THIRD AND CHAUTAUQUA PARK LAND. (District I)

Agenda Report No. 02-1373

City Council Policy #13 specifies the requirements for naming public facilities and how such recommendations are to be processed. The policy calls for a seven-member committee consisting of citizens (appointed by the Mayor and City Council) to formulate the recommendation prior to City Council consideration of the proposed name.

Residents and business owners from the 3rd Street & Chautauqua neighborhood have requested that City-owned land located in this neighborhood be named. The parcel in question is located at the terminus of Chautauqua and 3rd streets, and is a product of drainage improvements made in the location several years ago.

An Advisory Committee consisting of seven members—one nominated by the Mayor and one nominated by each Council Member—must be appointed to review and suggest possible names for the park. Once the committee has completed its work, it is to forward its recommendation(s) to the Park Advisory Board and to the City Council.

City Council Policy 13 grants the City Council final authority for selection of an appropriate name for the park. The name used must not be duplicated or be confused with the names of existing facilities, and the selection must be based on the function of the facility and the image the name would project.

There are no financial considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that Toni Timpy (Knight), Lori Lawrence (Brewer), Larry Frutiger (Pisciotta), Lynn Wasinger (Fearey), Bill Ward (Lambke) be appointed, and that Council Members Gale and Martz to submit names later to the City Manager. Motion carried 7 to 0.

-- carried

TRAVEL APPROVAL

APPROVAL OF TRAVEL EXPENSES FOR VICE MAYOR MARTZ TO ATTEND NLC HUMAN DEVELOPMENT STEERING COMMITTEE MEETING IN FLAGSTAFF, AZ, JUNE 6-8, 2002.

Motion -- carried

Knight moved that the travel expenditures be approved. Motion carried 7 to 0.

APPOINTMENTS

BOARD APPOINTMENTS.

There were no appointments made.

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CONSENT AGENDA

Knight moved that the Consent Agenda be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED MAY 13, 2002.

Bids were opened May 10, 2002, pursuant to advertisements published on:

2002 sanitary sewer rehabilitation, Phase C (Various Locations) - east of West Street, north of Pawnee. (468-83435/620339/662462) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, & VI)

Insituform Tech - \$163,811.45

2002 sanitary sewer reconstruction Phase 3 (Various Locations) - south of 29th North, west of Woodlawn. (468-83436/620340/662463) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, & VI)

WB Carter Construction - \$128,131.00

Water supply line along Oliver to serve Eagle's Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89653/735061/470731) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Mies Construction - \$61,416.00

Water supply line along 45th Street North to serve Eagle's Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89672/735051/470721) Traffic to be maintained during construction using flagpersons and barricades. (District II)

BRB Contractors - \$256,754.00

Water distribution system to serve Eagle's Landing at North Oliver Second Addition - south of 45th Street North, west of Oliver. (448-89603/735052/470722) Does not affect existing traffic. (District II)

Mies Construction - \$42,160.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Mechanical Systems Tank Replacements at Mid-Continent Terminal Building. (501040)

American Mechanical - \$63,349.00 (Total net bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Polypatch Applicator, One Ton. (132225)

Paving Maintenance Supply Inc. - \$28,798.00 (Total net bid)

POLICE DEPARTMENT/SUPPORT SERVICES DIVISION: .40 Caliber Manufactured Ammunition. (083600)

OMB Police Supply - \$114.68 (Cost per M)

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AIRPORT DEPARTMENT/OPERATIONS DIVISION: Full Size Four-Door Sedan Police Package. (190017)

Rusty Eck Ford* - \$41,368.72 (Total net bid/pending FAA approval)

*Subject to Ordinance No. 35-856 Item (D) No Bids Received. In those instances when no bids have been received after formal advertising, the Purchasing Manager is authorized to negotiate those purchases subject to ratification and approval by the Governing Body.

PUBLIC WORKS DEPARTMENT/FLOOD CONTROL DIVISION: Chemicals. (133224)

Van Diest Supply Co. - \$1,138.50 (Group 1/total net bid)

Grass Pad - \$5,316.50 (Group 2/total net bid)

BWI Springfield - \$2,397.06 (Group 3/total net bid)

UAP/Timberland LLC - \$9,916.00* (Group 4/total net bid)

*Corrected total

Red River Specialties Inc. - \$1,746.25 (Group 5/total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no sub-division plans and specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 37th Street North from the east line of Ridge Road, east to the easterly most drive serving Lot 1 to serve Ridge Port North Addition - south of 37th Street North, east of Ridge. (472-83114/ 765689 /490800) Street to be closed during construction. (District V) - \$124,000.00
- b) Boxthorn from the west line of Wawona, east to the east line of the plat. Ayesbury from the northwest line of Lot 10, Block E, southeast, to the northeast line of Boxthorn; on Woodridge from the north line of Boxthorn, north to the north line of Lot 4, Block G, on Woodridge from the south line of Boxthorn, south to the south line of the plat, on Eagle, from the north line of Boxthorn, north to the north line of Lot 11, Block G, and on Wawona from the south line of Boxthorn, south to the south line of the plat. Davin Lane from the north line of Boxthorn, north to the south line of Lot 19, Block H, on Davin Circle from the south line of Lot 19, Block H, north to the north line of Lot 9, Block H, on Davin Court to serve Lots 4 through 7, Block H, and on Davin Court to serve Lots 20 through 22, Block H, Boxthorn Court (Lots 1 through 5, Block I) from the south line of Boxthorn south to and including the cul-de-sac, on Boxthorn Court (Lots 6 through 11, Block I) from the south line of Boxthorn, south to and including the cul-de-sac, and on Ayesbury Circle from the south line of Boxthorn, south to and including the cul-de-sac. Sidewalk constructed along both sides of Boxthorn and along one side of Eagle, Woodridge, Ayesbury, and Wawona to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (472-83483/765714/490825) Does not affect existing traffic. (District II) - \$720,000.00
- c) Lateral 482, Southwest Interceptor Sewer to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (468-83407/743917/480605) Does not affect existing traffic. (District V) - \$42,000.00
- d) Storm Water Drain 185 to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83403/751312/485203) Does not affect existing traffic. (District II) - \$182,000.00
- e) Water distribution system to serve Shelly's Orchard Addition - east of Maize, north of Pawnee. (448-89663/735053/470723) Does not affect existing traffic. (District V) - \$59,000.00

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- f) Water distribution system to serve Forest Lakes Addition - north of 29th Street North, west of Ridge. (448-88703/735056/470726) Does not affect existing traffic. (District V) - \$44,000.00
- g) Water distribution system to serve Forest Lakes West Addition - north of 29th Street North, east of Tyler. (448-89206/735057/470727) Does not affect existing traffic. (District V) - \$28,025.00
- h) Central and Rock Road - Phase 2 - Landscaping - Central and Rock Road. (472-83393/706819/201285) Does not affect existing traffic. (District II) - \$10,728.00
- i) Main 11, Four Mile Creek Sewer to serve The Fairmont Addition - north of 21st Street North, west of 127th Street East. (468-83399/743913/480601) Does not affect existing traffic. (District II) - \$240,000.00
- j) Pave Equestrian Estates on Triple Crown from the north line Stampede to the south line of Harry Street on Buckskin from the east line of Triple Crown to the east line of Triple Crown adjacent to Lots 1 through 18, Block 2, on two Buckskin Courts, one adjacent to Lots 4 through 9, Block 2 and one adjacent to Lots 9 through 17, Block 3, on Tripe Crown Court adjacent to Lots 9 through 14, Block 1 and on Stampede from the east line of 127th Street East to the east line of Lot 12, Block 6; a Sidewalk to be installed along one side of Triple Crown, on one side of Buckskin and on one side of Stampede; a Deceleration Lane to be constructed at Harry Street to serve Equestrian Estates - south of Harry, east of 127th Street East. (472-83424/765705/490816) Does not affect existing traffic. (District II) - \$1,220,000.00
- k) Storm Water Drain 178 to serve Equestrian Estates - south of Harry, east of 127th Street East. (468-83320/751305/485196) Does not affect existing traffic. (District II) - \$240,000.00
- l) Main 3, Northwest Interceptor Sewer - 21st Street North from west of 119th to east of 135th Street West. (468-83133/624060/651002) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$2,403,460.00
- m) 16 inch water supply line in 21st Street North from west of 119th Street West to 135th Street West - in 21st Street North, west of 119th Street West. (448-89626/633749/752838) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$543,660.00
- n) Force main in connection with Main 5, Northwest Interceptor Sewer - 13th Street North and 135th Street West. (468-83136/624062/651004) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$543,975.00
- o) Orme Street, Phase 1, from west line of Dry Creek to west line of Pinecrest - west line of Dry Creek to west line of Pinecrest. (472-83229/702314/401286) Traffic to be maintained during construction. (District II) - \$349,395.82
- p) Alley west of Santa Fe from Elm to 250 feet south of Elm to serve JP Hilton's Addition - north of Central, east of Broadway. (472-83421/765696/490807) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$39,400.00
- q) Sanitary sewer reconstruction in connection with paving the alley between St. Francis and Santa Fe, south of Elm Street to serve JP Hilton's Addition - north of Central, east of Broadway. (468-83334/620325 /661449) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$27,000.00
- r) Lateral 324, Four Mile Creek Sewer to serve Rocky Creek Addition - north of 13th, east of 127th Street East. (468-83346/743898/480586) Does not affect existing traffic. (District II) - \$52,000.00
- s) Water distribution system to serve Rocky Creek Addition - north of 13th, east of 127th Street East. (448-89099/735049/470709) Does not affect existing traffic. (District II) - \$30,000.00

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- t) Funston, from Smithmoor to the west line of Lot 37, Block 2; Pierce Circle, north of Funston including the cul-de-sac; Leanne Lane, north of Funston including the cul-de-sac; to serve Smithmoor 10th Addition - north of Pawnee, west of Greenwich. (472-83498/765724/490835) Does not affect existing traffic. (District II) - \$348,000.00
- u) Tee Time from the south line of Lot 35, Block 4, and the south line of Lot 17, Block 5, to the west line of Lot 56, Block 4; Lakecrest from the south line of Lot 37, Block 3, and the south line of Lot 1, Block 5, to the south line of Tee Time; Lakecrest Circle from the north line of Tee Time to and including cul-de-sac serving Lots 40 through 55, Block 4; and construct a Sidewalk on the east and south side of Tee Time, from the south line of Lot 17, Block 5 to the west line of Lot 56, Block 4 to serve Forest Lake Addition - north of 29th, west of Ridge. (472-82322/765729/490840) Does not affect existing traffic. (District V) - \$253,500.00
- v) Forest Park/Lake Ridge from the east line of Forest Ridge to the south line of Lot 15, Block 3; Forest Park Court serving Lots 12 thru 15, Block 3, and; sidewalk on the south and west side of Forest Park/Lake Ridge from the east line of Forest Ridge to the south line of Lot 7, Block 4 to serve Forest Lake West Addition - north of 29th, east of Tyler. (472-82874/765730/490841) Does not affect existing traffic. (District V) - \$140,000.00
- w) Hendryx from the west line of Lot 3, Block B, west to the north line of Reece Road; on Reece Road from the west line of Hendryx, south to the west line of McCormick Avenue; on McCormick Avenue, from the south line of Reece Road, east to the west line of Lot 15, Block B; on Reece Circle from the west line of Reece Road, north to and including the cul-de-sac to serve Reece Farms Estates - south of Maple, west of 151st Street West. (472-82937/765712 /490823) Does not affect existing traffic. (District V) - \$230,000.00
- x) Water distribution system improvements to serve Northeast Pump Station - Wawona, south from 21st Street North. (448-89685/624503/699003) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$106,145.03
- y) Water distribution system to serve Rocky Creek & Rocky Creek Second Addition - north of 13th Street North, east of 127th Street East (448-89620/735060/470730) Does not affect existing traffic. (District II) - \$67,000.00
- z) Alley from the north line of Murdock to the south line of 8th Street north between Market and Broadway to serve Munger's Original Town Addition - north of Murdock, west of Broadway. (472-83414/765699 /490810) Traffic to be maintained during construction using flagpersons and barricades. (District VI) - \$77,000.00
- aa) Main 2, Northwest Interceptor Sewer - 21st Street North from west of Maize Road to 1/2 mile east. (468-83132/624059/651001) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$717,225.00
- bb) 21st Street from Hillside to Oliver - Phase 2 - Landscaping - 21st from Hillside to Oliver. (472-83368/706823/201289) (District I) - \$95,443.
- cc) (Amended) Cost of improving and widening Maple from 135th Street West to 119th Street West. (706817/472-83262). (District V) Total estimated cost - \$3,500,000.00
- dd) (Amended) Cost of Lateral 24, Main 13, War Industries Sewer – Unplatted Tract in Section 27, TWP 27 S, R2E - south of Orme, east of Greenwich. (743884/468-83303/ 480-572). (District II) Total estimated cost - \$10,200.00

Motion – carried

Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

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- a) Drainage Easement dated March 27 2002 from Ritchie Development Corporation, a Kansas Corporation, for a tract of land located in Lot 39, Block D, The Fairmont, an Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA # 607861). No cost to City.
- b) Utility Easement dated March 18, 2002 from Bencor/Harry-Broadway, LLC, a Kansas Limited Liability Company, for tracts of land located in Lots 1 and 2, Block A, Bencor 3rd Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- c) Utility Easement dated April 24, 2002 from Jay W. Russell and Pamela E. Russell, husband and wife, for tracts of land located in Lots 46, 47, 48 and 49, Block 1, Woodbridge 2nd Addition to Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- d) Drainage Easement dated March 29, 2002 from Wilson Residential Company, L.L.C., a Kansas Limited Liability Comp any, for a tract of land located in Wilson Farms Third Addition, an Addition to Wichita, Sedgwick County, Kansas (Wilson Farms 3rd, OCA #751311). No cost to City.
- e) Drainage Easement dated March 29, 2002 from Wilson Residential Company, L.L.C., a Kansas Limited Liability Company, for a tract of land located in Reserve E, Wilson Farms Third Addition, an Addition to Wichita, Sedgwick County, Kansas (Wilson Farms 3rd, OCA #751311). No cost to City.
- f) Sanitary Sewer Easement dated March 13, 2002 from K-T Partnership for a tract of land located in the Southeast Quarter of Section 15, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (Balthrop Fourth OCA #743914). No cost to City.
- g) Sanitary Sewer Easement dated April 4, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in Lot 10, Block 6, Equestrian Estates, an Addition to Wichita, Sedgwick County, Kansas (Equestrian Estates, OCA #743896). No cost to City.
- h) Sanitary Sewer Easement dated April 4, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in Lot 19, Block 1, Equestrian Estates, an Addition to Wichita, Sedgwick County, Kansas (Equestrian Estates, OCA #743896). No cost to City.
- i) Sanitary Sewer Easement dated April 4, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in Lots 12 and 13, Block 1, Equestrian Estates, an Addition to Wichita, Sedgwick County, Kansas (Equestrian Estates, OCA #743896). No cost to City.
- j) Sanitary Sewer Easement dated April 4, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in the North Half of the Northwest Quarter of Section 35, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas (Equestrian Estates, OCA #743896). No cost to City.
- k) Sanitary Sewer Easement dated April 4, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in Lot 13, Block 3, Equestrian Estates, an Addition to Wichita, Sedgwick County, Kansas (Equestrian Estates, OCA #743896). No cost to City.
- l) Sanitary Sewer Easement dated April 4, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in Lot 3, Block 3, Equestrian Estates, an Addition to Wichita, Sedgwick County, Kansas (Equestrian Estates, OCA #743896). No cost to City.
- m) Sanitary Sewer Easement dated April 4, 2002 from John D. Greenstreet, Managing Member of JDG, LLC for a tract of land located in Lot 6, Block 3, Equestrian Estates, an Addition to Wichita, Sedgwick County, Kansas (Equestrian Estates, OCA #743896). No cost to City.
- n) Dedication dated April 12, 2002 from David J. Millstein, Managing Member of Millstein Industries, LLC for a tract of land located in Lot 2, Block 1, E.E. Jabes 2nd Addition to Wichita, Sedgwick County, Kansas (21st & Rock, OCA #706829). No cost to City.

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o) Sanitary Sewer Easement dated April 15, 2002 from Builder's Inc. for a tract of land located in Lot 1, Steve Clark 2nd Addition to Wichita, Sedgwick County, Kansas (War Ind Ph IV, OCA #623306). No cost to City.

p) Sanitary Sewer Easement dated April 18, 2002 from Webb Road Development, Inc. for a tract of land located in Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Stockyards Sewer, OCA #624023). No cost to City.

q) Sanitary Sewer Easement dated April 18, 2002 from Webb Road Development, Inc. for a tract of land located in Section 4, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas (Stockyards Sewer, OCA #624023). No cost to City.

Motion --
-- carried

Knight moved that the documents be received and filed; and the necessary signatures be authorized. Motion carried 7 to 0.

PAVING

PETITIONS FOR PAVING IMPROVEMENTS TO SERVE MEADOWLAND ADDITION – NORTH OF KELLOGG, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 02-1374

The signature on the Petitions represents 100% of the improvement districts.

The projects will provide left turn lanes on Kellogg, accel decel lanes on 127th Street East, and traffic signal improvements to serve Meadowland Addition, a new commercial development.

The Petitions total \$1,268,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or the majority of the property in the improvement district.

Motion -- carried

Knight moved that the Petitions be approved and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-234

Resolution of findings of advisability and Resolution authorizing accel/decel lane improvements on the east side of 127th Street East and half of left turn lane in 127th Street East from the north line of Lot 2, Block E, south to the north line of the Kansas Turnpike Authority (north of Kellogg, east of 127th Street East) 472-83534, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 02-235

Resolution of findings of advisability and Resolution authorizing improving of four lane pavement improvements with curb and gutter for 143rd Street from Kellogg to the north line of Meadowland Addition, including southbound dual turn lanes at Kellogg; a left turn lane northbound at Lewis; dual left turn lanes northbound at Cardinal Lane; a left turn lane southbound at Cardinal Lane; a left turn lane westbound on Cardinal Lane; and traffic signalization system at Cardinal Lane and 143rd Street East (north of Kellogg, east of 127th Street East), 472-83535, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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RESOLUTION NO. 02-236

Resolution of findings of advisability and Resolution authorizing turn lines in Kellogg Avenue for eastbound left dual turns and northbound left turns on 143rd Street; accel/decel lanes for westbound traffic on the north side of Kellogg; and traffic signalization improvements at Kellogg and 143rd Street East, (north of Kellogg, east of 127th Street East) 472-83536, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BOARDS MINUTES

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

January 7, 2002, District VI Advisory Board Agenda
March 6, 2002, District IV Advisory Board Minutes
March 20, 2002, District IV Advisory Board Minutes
March 21, 2002, Design Council Minutes
March 21, 2002, Wichita Sedgwick County Emergency Communications Advisory Board Minutes

Motion – carried

Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

STREET CLOSURES

CONSIDERATION OF STREET CLOSURES/USES.

There were not street closures submitted.

QUARTERLY REP.

QUARTERLY FINANCIAL REPORT FOR THE PERIOD ENDED MARCH 31, 2002.

Motion -- carried

Knight moved that the report be received and filed. Motion carried 7 to 0.

DELANO ASSMTS.

DELANO AREA ENVIRONMENTAL ASSESSMENTS.

Agenda Report No. 02-1375

The United States Environmental Protection Agency has allocated \$200,000 for a local Brownfield Assessment grant to the City of Wichita. This funding is for the purpose of providing environmental assessments for underutilized or undeveloped property that is perceived as having unknown environmental conditions. To address these potential community perceptions and concerns, the EPA's Brownfield assessment grant will provide the necessary funding to conduct environmental site assessments on eligible property. One such area in the City has been identified within the Delano Neighborhood Revitalization Plan. On January 15, 2002, the City Council approved City Staff to solicit proposals and selection of environmental professionals for the work. The Staff Screening and Selection Committee recommends Tetra Tech EM Inc. to conduct environmental assessments for the Delano neighborhood.

A contract in the amount of \$88,565 has been negotiated for the purpose of conducting environmental assessments of certain properties in the Delano neighborhood area. The contract will provide the following services:

- Area Wide Preliminary Survey Report
- Phase 1 Assessments on City Properties or Public areas where staff requires this work
- Generic Quality Assurance Project Plan for Recommended Phase II Investigation sites
- Recommendation of need for Phase 2 sampling and investigation

The term of the contract is six (6) months.

Grant funding in the amount of \$88,565 is available for this purpose.

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Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

SNACK MEALS

SUMMER OF DISCOVERY MEALS CONTRACT AMENDMENT.

Agenda Report No. No. 02-1376

On March 21, 2000, the City Council approved funding for the Summer of Discovery program, including snack meals for recreation center sites hosting the program. On May 9, 2000, a contract was entered with Wichita Canteen at a price of \$0.81 per snack, per proposal and specifications. The contract provided for two one-year renewal options.

The contract entered with Wichita Canteen in May, 2000, called for pre-packaging of all snacks. Pre-packaging has the effect of increasing the cost of snacks. Because of limited resources, both at the State and local levels, snacks for the Summer of Discovery program must be obtained at a more economical price.

Wichita Canteen has agreed to provide snacks for this year's program at a cost of \$0.61 per snack. Although the vendor will continue to provide as many snacks as possible in individually-wrapped single servings, cereal will be provided in bulk packs, and bulk fruit or whole fruit may be substituted for fruit cups. There will be no significant impact on the volume or nutritional content of the snacks provided.

Approval of the contract amendment will provide savings of approximately \$15,000 over the course of the 2002 Summer of Discovery program.

Contract amendments in excess of \$10,000 require City Council approval.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

DESIGN SERVICES

HYDRAULIC FROM MACARTHUR TO THE CITY LIMITS SUPPLEMENTAL AGREEMENT – STAKING. (Districts III and IV)

Agenda Report No. 02-1377

On December 7, 1999, the City entered into an Agreement with Baughman Company, P.A. to design street and drainage improvements to Hydraulic from MacArthur to the City limits. The Design Agreement with Baughman requires Baughman to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and Baughman provides for staking Emery Park Pond between MacArthur and 47th Street South. Due to the current workload created by previous projects, City crews are not available to perform the staking for this phase of the project.

Payment will be on a lump sum basis of \$7,500 and will be paid by General Obligation Bonds.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
Motion carried 7 to 0.

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DESIGN SERVICES **BALTHROP FOURTH ADDITION – NORTH OF CENTRAL, WEST OF K-96
SUPPLEMENTAL AGREEMENT – STAKING.** (District II)

Agenda Report No. 02-1378

The City Council approved the project on January 15, 2002. On May 7, 2002, the City approved an Agreement with Professional Engineering Consultants, P.A. (PEC) to design the improvements. The Design Agreement with PEC requires PEC to provide construction engineering services if requested by the City.

The proposed Supplemental Agreement between the City and PEC provides for staking for the improvements in Balthrop 4th Addition. Due to the current workload created by previous projects, City crews are not available to perform the construction engineering for this project.

Payment will be on a lump sum basis of \$27,900 and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES AGREEMENT FOR SKYWAY INDUSTRIAL PARK AND MID-
CONTINENT INDUSTRIAL PARKS – BETWEEN MAIZE AND TYLER, MACARTHUR AND
31ST STREETS SOUTH.** (District V)

Agenda Report No. 02-1379

The City Council approved the project on March 19, 2002.

The proposed Agreement between the City and Young & Associates, P.A. provides for designing a waterline in Skyway Industrial Park and Mid-Continent Industrial Parks. The Staff Screening & Selection Committee selected Young & Associates for the design on April 12, 2002.

Payment will be on a lump sum basis of \$15,500, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES **DESIGN SERVICES AGREEMENT FOR ROCKY CREEK AND ROCKY CREEK SECOND
ADDITIONS – NORTH OF 13TH, EAST OF 127TH STREET EAST.** (District II)

Agenda Report No. 02-1380

The City Council approved the project on September 18, 2001.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Rocky Creek and Rocky Creek 2nd Additions. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$44,360, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

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FARM & ART MKT. FARM AND ART MARKET BUILDING. (District VI)

Agenda Report No. 02-1381

The City contracted with Midland Restoration Company, Inc. to repair and seal the Farm and Art Market exterior brick walls. While repairing the brick on the building's exterior columns, the enclosed steel columns were exposed and found to be seriously deteriorated from rust. An engineer's analysis determined the columns had to be replaced. On January 8, 2002, the City Council approved a Change Order, based on the best available information, for \$80,275.00 to replace the columns. In removing the first steel column, the Contractor discovered that it extended three feet lower than expected and was encased in the concrete building foundation.

With this new information, the engineer determined that all the columns had to be removed to their full depth, and the concrete foundation modified, incurring cost beyond that in the approved Change Order, plus additional Architecture & Engineering (A&E) fees. The building's original construction, with columns encased inside concrete foundations, is very unusual and could not have been anticipated. The steel columns must be replaced to maintain structural integrity.

The Contractor's Change Order in the amount of \$43,101 will be partially funded by the remainder of the previously approved CIP project funds for the Farm & Art Market. The Architect's Change Order for additional A&E fees of \$15,060 plus the balance of the Contractor's Change Order will be funded by the Property Management Fund, in an amount not-to-exceed \$48,000. Any funds available following the sale of the property will be used to reimburse the Property Management Fund.

Motion --
-- carried

Knight moved that the change order be approved; and the budget adjustment and necessary signatures be authorized. Motion carried 7 to 0.

ART MUSEUM ART MUSEUM MODIFICATION/EXPANSION. (District VI)

Agenda Report No. 02-1382

On October 17, 2000, the City Council approved an Agreement between the City of Wichita and the Wichita Art Museum, Inc. to provide for the financing and management of the modification/expansion project for the Wichita Art Museum.

On March 20, 2001, The City Council approved the bid of Dondlinger & Sons to construct the modification/expansion project for the museum, which will add approximately 35,000 square feet, increase gallery space by 43% and allow the visiting public better access.

The Change Order request for \$20,321.00 incorporates five separate Change Orders that were verbally approved to keep the project on schedule. The changes are for modifications to the scope of work as recommended by the Owner, Architect, or Contractor. Change Order items are as follows:

Add return air system in ten rooms; delete the backflow preventer within the building; revise Library Storage room; relocate the cleanout in the Rotunda Room; provide necessary drawings for the 4" water service tap and line per City requirements; revise door frames to accommodate revised wall thicknesses; provide a new 1" water meter for the existing irrigation system; add a 30% inhibited glycol to the existing chilled water system.

The Change Order for \$20,321.00 will be funded from the project budget (Project No. 435309, OCA No. 792339). The unencumbered balance is \$1,075,579.79.

The Change Order amount is within 25% of the construction Contract cost limit set by City Council policy. Change Orders over \$10,000 require City Council approval. The Change Order has been approved as to form by the Law Department.

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Motion --
-- carried

Knight moved that the change order be approved and the necessary signatures be authorized. Motion carried 7 to 0.

VENDOR

BUILDING DEMOLITIONS AND ASBESTOS ABATEMENT FOR DEMOLITION – SELECTION OF VENDOR.

Agenda Report No. 02-1383

Various City Departments require building demolition and asbestos abatement services. Requests for Proposals were sent to abatement and demolition Vendors to obtain the most qualified abatement and demolition services at a cost that would be most beneficial to the City. Five abatement and demolition Vendors responded.

Firms responding to the Request for Proposal for Building Demolition FP200038 were as follows:

Bradburn Wrecking, Cornejo & Sons, Minority Contractors & Consultants, Inc., National Builders, Inc., and H.D. Mills & Sons d/b/a Southwest Salvage.

The Staff Screening and Selection Committee voted to select Bradburn Wrecking as the prime demolition Contractor with Southwest Salvage as a backup.

Firms responding to the Request for Proposal for Asbestos Abatement for Demolition FP200039 were as follows:

ABS Abatement, Inc., Asbestos Removal & Maintenance, Inc., F&H Insulation, Minority Contractors & Consultants, Inc., and Remediation Contractors, Inc.

The Staff Screening and Selection Committee voted to select Asbestos Removal & Maintenance, Inc. as the prime asbestos abatement Contractor with Minority Contractors & Consultants, Inc. as a backup.

The Staff Screening and Selection Committee selected a prime Contractor with a backup for both demolition and asbestos abatement because of the number of projects the City has per year requiring property removal.

The Contracts will not obligate the City to any specific purchases or volume of purchases on asbestos abatement or building demolitions. It only provides the Departments the ability to obtain asbestos abatement and building demolitions from the most qualified, cost-effective Vendors.

The Law Department will review and approve the Contracts as to form. The Contracts will be for one year with annual renewal options for an additional two years.

Motion --
-- carried

Knight moved that the selection of Bradburn Wrecking, Southwest Salvage, Asbestos Removal & Maintenance, Inc., and Minority Contractors & Consultants, Inc. be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ATHLETIC COURT

ATHLETIC COURT IMPROVEMENTS.

Agenda Report No. 02-1384

The Park and Recreation Department has a number of athletic courts across the city which are in need of major repair or replacement. These include basketball/multi-use courts, croquet courts, horseshoe courts, shuffleboard courts, tennis courts, and tetherball courts.

The 2002 Park Capital Improvement Program (CIP) includes funding to repair, remove, or construct courts across the city. On April 16, 2002, the City Council authorized the replacement/reconstruction of four (4) tennis courts—two at McAdams Park and two at Linwood Park. Since that time, Park and

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Recreation staff have further evaluated court conditions across the city. Because Linwood has five courts in need of replacement, staff now recommends that two courts at Boston Park be replaced in 2002, with the Linwood courts deferred to a future year when all five can be replaced/reconstructed at the same time. Doing so will contribute to consistency in the athletic court improvement program and potentially save money as well.

Motion -- carried

Knight moved that the change in scope of project be authorized. Motion carried 7 to 0.

TAX CREDITS

KANSAS COMMUNITY SERVICE PROGRAM ACT APPLICATIONS.

Agenda Report No. 02-1385

On July 1, 1994, the State of Kansas initiated the Kansas Community Service Program Act. The Act authorizes tax credits (from state income tax) for cash contributions made to approved non profit organizations by private business firms, financial institutions and insurance companies. The State of Kansas has authorized a total of \$5 million in tax credits per fiscal year, for eligible projects. Eligible contributors (usually private for profit companies) receive a credit equal to 50% of the amount donated to non-profits. Typically, the tax credit proceeds are used for capital projects, either new facilities or expansion of existing facilities that are one-time in nature. Applications for the State tax credits for non-profits are competitive.

The YMCA and Cerebral Palsy Research Foundation have each submitted a request for local government endorsement of their State non-profit tax credit applications. If approved by the State, the contributor is eligible to receive 50% credit of the cash contribution towards their State income taxes for contributions made to the community service organization during a one-year period from the date of application approval.

The Cerebral Palsy Research Foundation, 5111 East 21st Street, is requesting a total of \$151,750 in Kansas Community Service Tax Credits for their capital fund raising campaign. Cerebral Palsy plans to raise a total of \$1,909,300 for the renovation of their campus. The renovations include: renovation and expansion of the Daniel M. Carney Rehabilitation Engineering Center; update and upgrade the Timbers apartments and renovate the unfinished northeast wing of the Daniel Taylor Administrative Center.

The YMCA North Branch, 3330 North Woodlawn, is requesting a total of \$125,000 in Kansas Community Service Tax Credits for their capital fund raising campaign. They want to raise a total of \$250,000 for a computer lab in their Teen Center at the North Branch YMCA.

The applications presented by the Cerebral Palsy Research Foundation and YMCA have been reviewed by the Department of Finance and are consistent with the City's goals and objectives.

The proposed applications do not conflict with any local plans, zoning or land use requirements. The endorsement does not obligate the City to fund, supervise or in any way associate itself with the applicant.

The proposed applications have no impact on City finances and do not require any City financial participation.

Motion --
-- carried

Knight moved that the applicants be supported and the City Manager be authorized to sign the Local Government Endorsement Forms. Motion carried 7 to 0.

EMER. SHELTER

GRANT APPLICATION - KANSAS EMERGENCY SHELTER FUNDS.

Agenda Report No. 02-1386

The State of Kansas receives Emergency Shelter Grant funds under the Stewart B. McKinney Homeless Assistance Act. These funds are in turn awarded to local units of government on behalf of homeless service providers throughout the state.

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The Kansas Department of Commerce and Housing issued a Notice of Funding Available (NOFA) for the 2002 Kansas Emergency Shelter Grant Program (KESGP). Private non-profit agencies are eligible to receive the funds, however the application must be submitted by the local governmental entity. Several agencies have submitted requests to the City for the KESGP funding.

The KESGP funding is competitive on a statewide basis. The projects included in this application will be evaluated against all projects submitted by other city and county governments throughout the state.

The grant application includes funds for the following agencies and activities:

Catholic Charities Anthony Family Shelter and Emergency Services - Operating and maintenance costs of \$8,602.

Catholic Charities Harbor House - Operating and maintenance costs of \$6,000.

Interfaith Inn - Conversion of a storeroom to an educational area (\$10,000), Operations (17,500), and

Essential Services for supportive service personnel such as case managers (\$31,250).

IFM Safe Haven - Operations (27,500), and Essential Services for supportive service personnel such as case managers (\$9,000).

Salvation Army Emergency Lodge - \$25,000 for operating costs of the emergency shelter.

Center of Hope - \$20,000 For rent and utility assistance.

United Methodist Urban Ministry - \$25,000 for operating costs of the daytime drop-in center.

City of Wichita - The City is allowed 2.5% for grant/program administration. The amount will depend on the total amount of funding awarded for agency allocations.

The total amount of the requests is \$179,852. Each of the agencies has committed to providing the required matching funds. A total of \$855,000 is available for the State of Kansas.

Motion --
-- carried

Knight moved that the applications be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SETTLEMENT

SETTLEMENT STIPULATION FOR 2000 AND 2001 – HOTEL VALUATION.

Agenda Report No. 02-1387

When the City acquired the Tenant's interest in the Hyatt Hotel, East Bank Hotel Associates, LLC had an ongoing valuation dispute with the Sedgwick County Appraiser's Office, as to the value of the hotel for the 2000 and 2001 tax years. Under the purchase agreement, East Bank Hotel Associates, LLC retained the primary responsibility to resolve the valuation disputes through any necessary litigation before the Board of Tax Appeals and/or the appellate courts. The City was joined as the owner of legal title, and has cooperated as required to enable East Bank Hotel Associates, LLC to prosecute the valuation appeal. The County and East Bank Hotel Associates, LLC have reached a settlement agreement, whereby the value of the property will be reduced from a figure in excess of \$19.5 million to \$16.5 million. Because Sedgwick County caused the City to be formally joined in the case in May of 2001, the settlement stipulation requires formal City approval.

The proposed Stipulation would set the value of the Hyatt Hotel real property at \$16.5 million for each of the tax years 2000 and 2001, based on an income approach to valuation prepared by staff of the Sedgwick County Appraiser's Office.

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The adjustment of the appraised value of the Hyatt property for 2000 and 2001 results in an overpayment of 2000 taxes and a reduction in taxes owed for 2001. Sedgwick County will refund the overpayment of 2000 taxes directly to East Bank Hotel Associates. The City and EBHA will share the benefit of the reduced 2001 taxes on a prorata basis, based on the change in ownership on November 1, 2001. The City received credit for prorated taxes at the higher valuation at the closing of its purchase of the hotel. Settlement on the reduced taxes for 2001 between the City and EBHA will be paid from funds accrued by the hotel for payment of property taxes.

Motion --

-- carried

Knight moved that the settlement Stipulation for the 2000 and 2001 Hyatt valuation case pending before the Kansas Board of Tax Appeals be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

HUD

HUD CONSOLIDATED PLAN – 2002/2003 ONE-YEAR ACTION PLAN.

Agenda Report No. 02-1388

The U.S. Department of Housing and Urban Development (HUD) requires submittal of a Consolidated Plan/Combined Application for the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME) and the Emergency Shelter Grant (ESG) program. On April 9, 2002, the City Council approved the draft 2002/2003 One-Year Action Plan and authorized the thirty-day public comment period.

The City's 2002/2003 One-Year Action Plan lists the federal resources expected to be available from various grant assistance programs to address priority needs (as adopted by the City Council), a description of the activities to be funded by the City Council, the geographic location of the activities and homeless, and other special needs and activities to be undertaken during the fiscal year. The 2002/2003 One-Year Action Plan covers the period beginning July 1, 2002 and ending June 30, 2003.

The 2002-2003 One-Year Action Plan totals \$7,635,019. All of the Consolidated Plan funds have been previously allocated by the City Council and committed to revolving funds or approved projects.

No comments were received during the thirty-day public comment period. The City has met all federal requirements to submit the final 2002/2003 One Year Action Plan/Combined Application to HUD.

Motion --

-- carried

Knight moved that the 2002/2003 One-Year Action Plan as an amendment to the City's Consolidated Plan be approved and the necessary signatures be authorized. Motion carried 7 to 0.

SEWER PLAN

SEWER MASTER PLAN.

Agenda Report No. 02-1389

On May 4, 1999, the City Council approved a Contract with Brown & Caldwell Engineering to update the City's Sewer Master Plan. The Plan serves as a guidance document for the construction of sewage collection and treatment facilities. To assure that the construction of new facilities coincides with the City's changing needs, the Master Plan is updated at regular intervals.

The updated Sewer Master Plan covers a short-range planning period (2002-2015) and a long-range planning period (2002-2050). There are five major components:

- 1) inventory and evaluation of existing facilities
- 2) population and flow projections
- 3) treatment requirements
- 4) capacity evaluation
- 5) recommended wastewater management system with proposed implementation

Predictions are that the population served by the City's sewer system will increase from the 1997 level of 340,976 to 556,570 by 2050, including both retail and wholesale customers. Average flows are

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predicted to increase from 42 million gallons per day (MGD) to 66 by 2050. If there is an increase in wholesale service over the Plan's projections, these figures would increase.

Future treatment requirements are dependent on Environmental Protection Agency and KDHE policies. Future regulations could be more or even less stringent, and the timing of the regulatory changes could occur sooner (or later) in the planning period. For purposes of this plan, it is assumed that more stringent effluent limitations requiring biological nutrient removal would be imposed by the year 2015.

The preferred wastewater management system recommends expansion of treatment capacity at Four Mile Creek Wastewater Treatment Plant and proposes three (3) new satellite treatment plants for serving the balance of the area studied. This preferred system greatly reduces requirements for capacity upgrade at Plant 2 and reduces the length of parallel pipelines to transport future wastewater for treatment. Reliability and odor control improvements are recommended for Plant 1, with the facility being decommissioned later in the planning period.

The recommended improvements in the proposed schedule reflect an expenditure of \$227 million over the next 50 years. Required funds total \$95 million through 2015 for an average of \$6.8 million per year. The Sewer Capital Improvement Program includes a number of rehabilitation projects not included in the Master Plan. Projected CIP expenditures over the next 10 years, including the Sewer Master Plan recommendations, are \$170 million (\$5 million less than the previous CIP). The proposed CIP, which incorporates the Sewer Master Plan, will necessitate rate increases of 5% in 2003 and 2005, 3% in 2006.

Motion --
-- carried

Knight moved that the plan be received and filed; and the modified Capital Improvement Program be approved. Motion carried 7 to 0.

STREET IMP.

AMENDING RESOLUTION: CARR STREET IMPROVEMENT FROM LARK LANE TO STONY POINT LANE. (District V)

Agenda Report No. 02-1391

On May 8, 2001, the City Council approved a Petition to pave Carr, between Lark Lane and Stony Point. There was an error in the description of the improvement district. The owner of a property that was left out of the improvement district has signed a Petition to be included.

An amending Resolution has been prepared to correct the error.

The project budget is unchanged.

State Statutes provide the City Council authority to modify an improvement district by amending Resolution.

Motion – carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-237

A Resolution amending Resolution No. R-01-197 authorizing improving of Carr from the east line of Lark Lane to the west line of Stony Point Lane, Project No 472-83381, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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STREET IMP.

AMENDING RESOLUTION: STREET PAVING IN HIGHLAND SPRINGS SECOND ADDITION – WEST OF 135TH STREET WEST, SOUTH OF CENTRAL. (District V)

Agenda Report No. 02-1392

On September 28, 1999, the City Council approved a project to pave streets in Highland Springs 2nd Addition. The developer of the Addition has submitted a Petition to reallocate special assessments within the improvement district. The signature on the Petition represents 100% of the improvement district.

An amending Resolution has been prepared to accommodate the developer's Petition.

There is no change to the project budget.

State Statutes provide the City Council authority to modify assessments within an improvement district by amending Resolution.

Motion – carried

Knight moved that the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 02-238

A Resolution amending Resolution No. R-99-381 pertaining to the improving of Highland Springs from the northwesterly line of Lot 20, Block C, west to the west line of the plat; Remington Lane from the southwesterly line of Remington Lane Court, west to the northwesterly line of Lot 13, Block D Bluegrass from the south line of Remington Lane south to the southwesterly line of Bluegrass Court; Highland Springs Courts, (Lots 8-19, Block C) from the north line of Highland Springs, north to and including the cul-de-sac, and (Lots 1-7, Block C) from the north line of Highland Springs, north to and including the cul-de-sac; Remington Lane Court from the north line of Remington Lane, north to and including the cul-de-sac; Bluegrass Court, from the south line of Bluegrass, south to and including the cul-de-sac, and sidewalk along both sides of Highland Springs from northwesterly line of Lot 20, Block C, to the west line of the plat, on one side of Remington Lane from the southwesterly line of Remington Lane Court to the northwesterly line of Lot 13, Block D, and on one side of Bluegrass from the south line of Remington Lane to the southwesterly line of Bluegrass Court, Project No 472-83143 (west of 135th Street West, south of Central) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the city of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ MAY 7, 2002)

a) Pawnee Bridge at Dry Creek – East of Hillside. (District III)

ORDINANCE NO. 45-312

An Ordinance declaring Pawnee Bridge at Dry Creek (472-83524) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

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- b) ZON2002-00010 – Zone Change from Neighborhood Retail to Limited Commercial and Amendment of Protective Overlay #41. (District II)

ORDINANCE NO. 45-313

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00011

- c) ZON2002-00011 –south of Harry, east of Mission. (District III)

ORDINANCE NO. 45-314

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-00011

- d) DR2002-10 – rename Stackman Drive to Museum Boulevard (Central to Sim Park Drive); and rename Sim Park Drive to Museum Boulevard (Stackman Drive to Amidon). (District VI)

ORDINANCE NO. 45-315

An Ordinance changing street names from Stackman Drive to Museum Boulevard, extending from Central to Sim Park Drive; and Sim Park Drive to Museum Boulevard, extending from Stackman Drive to Amidon, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) A02-08 – southwest corner of Hillside and 53rd Street North. (District I)

ORDINANCE NO. 45-316

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-08

- f) A02-09 – Annex Land ½ Mile South of MacArthur, West of Hoover Road. (District V)

ORDINANCE NO. 45-317

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-09

SPECIALS

SPECIAL ASSESSMENTS FOR SEWER AND WATER SERVICES.

Motion -- carried

Knight moved that the following Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay the cost of unpaid sewer service charges and/or water service charges, introduced and under the rules laid over.

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PLANNING AGENDA

Marvin Krout

Director of Planning stated that Planning Agenda Items 31, 33, and 35 could be considered as consensus, unless the Council desired to withhold Items.

Motion --
-- carried

Knight moved that Planning Agenda Items 31, 33, and 35 be approved as consensus Items. Motion carried 7 to 0.

(Item 30)

**ZON2002-00019
& CON2002-00013**

ZON2002-00019 AND CON2002-00013 – ZONE CHANGE FROM GENERAL COMMERCIAL TO LIMITED COMMERCIAL AND CONDITIONAL USE FOR A WRECKING/SALVAGE YARD – SOUTH OF HARRY, APPROXIMATELY ½ MILE EAST OF WOODLAWN.
(District III)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 02-1393

MAPC Recommendation: Approve, subject to staff recommendation (8-1).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Deny (9-0).

The subject property is currently being used for the dismantling of vehicles, which is illegal under the current zoning of the property. Therefore, the applicant is requesting a zone change from “GC” General Commercial to “LI” Limited Industrial and a Conditional Use to permit the dismantling of vehicles on the property. The Unified Zoning Code defines the dismantling of vehicles as a “Wrecking/Salvage Yard”, which requires at least “LI” Limited Industrial zoning and a Conditional Use.

The subject property is a 0.67 acre platted tract generally located south of Harry, approximately ½ mile east of Woodlawn (behind 6813 E. Harry). Most of the subject property is zoned “GC” General Commercial; however, a 38-foot by 65-foot tract in the northeast corner of the subject property was rezoned to “LI” Limited Industrial to permit a small concrete plant for use in conjunction with an equipment rental business that formerly occupied the subject property. The subject property also is located within Airport Overlay District III North, which prohibits using the subject property for uses that involve large congregations of people due to the property’s location under the flight path for McConnell Air Force Base.

The character of the surrounding area is commercial. All of the properties surrounding the subject property are zoned “GC” General Commercial. The property located north of the subject property is developed with a used car lot, is owned by the applicant, and provides access from the subject property to Harry. The property located east of the subject property is developed with an employee parking lot and the loading/receiving area for a furniture store. The property located south of the subject property is owned by the City of Wichita and is used to stockpile landscaping and construction materials. The property located west of the subject property is developed with a self-service storage warehouse.

The applicant has submitted a site plan showing the proposed use of the subject property. The site plan shows an existing building where vehicles are to be dismantled. The site plan shows that the rest of the subject property is to be used for the storage of vehicles. An eight-foot high screening fence is shown around the perimeter of the property. The site is shown to be enclosed by an 8-foot high metal panel fence. Since the subject property is surrounded by property zoned “GC” General Commercial and does not have arterial street frontage, no landscaping of the subject property is required.

At the District Advisory Board meeting on April 17, 2002, there were no speakers for or against request. DAB III cited concerns that the business was already operating illegally and with the inability to enforce the recommended conditions. Based on these concerns, DAB III voted (9-0) to recommend denial. At the MAPC hearing on April 18, 2002, one speaker appeared in opposition to the request and cited concerns with the appearance of the business, especially regarding outside storage, and the

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inability to enforce the recommended conditions. The MAPC voted (8-1) to recommend the request for approval subject to the following conditions:

1. The Conditional Use for a Wrecking/Salvage Yard shall permit the dismantling of vehicles and the sale of vehicle parts only. No other uses customarily associated with a Wrecking/Salvage Yard such as the collecting, storing, and/or salvaging of machinery, equipment, appliances, vehicles, bulky waste, salvage material, junk, or discarded materials shall be permitted.
2. The dismantling of vehicles shall be performed within an enclosed building.
3. All vehicle parts shall be stored within an enclosed building or within racks or bins. All racks and bins shall be elevated so there is at least 18 inches between the bottom of the rack or bin and the ground. Racks or bins shall be a minimum of 48 inches away from any wall, fence, or other rack or bin. No rack or bin or material stored in such rack or bin shall exceed a height of 8 feet.
4. There shall be no more than 30 vehicles to be dismantled stored on the subject property at any one time. No vehicle shall remain on the subject property for longer than 60 days.
5. All vehicles to be dismantled and racks or bins for the storage of vehicle parts shall be stored on paved surfaces meeting the standards of Sec. IV-A.2. of the Unified Zoning Code.
6. The subject property shall be entirely enclosed by a white or earth-tone, single-color metal panel fence not less than 8 feet in height and having cracks and openings not in excess of five percent of the area of such fence. No automotive parts or accessories shall be used for screening purposes or located on or attached to the screening fence. A gate is permitted in the north side of the screening fence, but it shall remain closed unless in use.
7. Any locking devices on entrance gates shall meet Fire Department requirements. Access to and within the salvage yard shall be provided by fire lanes per the direction and approval of the Fire Chief.
8. The site shall be developed in general conformance with the approved site plan.
9. The applicant shall obtain and maintain all applicable local, state, and federal permits and licenses necessary for the operation of a wrecking/salvage yard.
10. Any violation of the conditions of approval shall render the conditional use permit null and void.

Motion --

Lambke moved to deny the request based on: 1) The requested zoning is out of character with the general commercial zoning in all directions; 2) The current zoning allows the auto repair business which is in operation at this site today and can continue; and 3) There is neighborhood opposition to this request, as evidenced by the DAB III's unanimous vote to deny, and by the testimony at the MAPC hearing of the president of a nearby neighborhood association. Motion carried 7 to 0.

-- carried

ZON2002-00016

ZON2002-00016 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD OFFICE WITH A PROTECTIVE OVERLAY #110 – APPROXIMATELY 1,200 FEET SOUTHEAST OF THE 21ST NORTH/MAIZE ROAD INTERSECTION, 1930 NORTH MAIZE ROAD. (District V)

Agenda Report No 02-1394

MAPC Recommendation: Approve, subject to staff recommendations. (9-0)

Staff Recommendation: Approve, subject to P.O. #110 conditions.

D.A.B Recommendation: To be considered by DAB VI, May 6, 2001.

The applicant is requesting "NO" Neighborhood Office zoning with a "PO" Protective Overlay on Lot 1, Block 2, Graf – Goldston 2nd Addition. The site is a vacant, corner lot with frontage on both Belle Vista and Maize Road. The site has access onto Belle Vista, a residential road. The Maize Road frontage has complete access control. The applicant proposes to build a 1,598 square-foot insurance office.

There is established single-family housing within residential zoning in all directions from the site, with a few exceptions. There is a church north of the site, across Belle Vista and another church being built west of the site across Maize Road. Both church sites are zoned "SF-5" single family residential. There is also a large cemetery south of the site zoned "SF-5". There are single-family residences abutting the east and south sides of the site.

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The only non-residential zonings and developments that are located between the commercial zoning and development at the intersections of 21st Street North – Maize and 13th Street North – Maize, is a dentist office located across (southwest approximately 200- feet) Maize from the site and an excavation company located to the west of the dentist office. The dentist office is a result of SCZ –0748 an approved change for “NO” Neighborhood Office zoning from “SF-20” zoning. The MAPC and the BCC approved the zoning in 1997. The development is located on approximately 1.35 acres, has access onto Maize Road and is non-residential in character. The excavation company was approved by the MAPC and the BCC in 1973 as CU-156. Both properties are now in the City.

The proposed zoning change of the property to “NO” zoning would trigger parking, landscaping, lighting and screening in accordance with the zoning code. The applicant has provided a site plan showing the proposed development. The proposed development, as shown on the site plan and other exhibits submitted by the applicant, is in character with the surrounding single family residential development and shows screening, landscaping, & parking. Revisions will need to be made to remove parking from the front and extend the landscape buffer on the east side of the site.

No one spoke in opposition to the request at the April 18, MAPC meeting and there have been no written protest received. The MAPC recommended approval of the zoning change request from “SF-5” Single Family Residential to “NO” Neighborhood Office subject to the following Protective Overlay, #110:

1. The property shall be developed with a building that has exterior walls of brick and/or wood and a double-pitched gable or hip style roof.
2. One freestanding monument-type sign with materials matching the materials of the building not exceeding 6-feet height.
3. The site shall be developed in general conformance with the revised site and landscape plans as approved by the Planning Director.
4. Permitted uses shall be restricted to single-family residential, medical office or general office uses.

The MAPC and the Planning Staff have recommended zoning changes with protective overlays on residential properties that abut arterials, are adjacent to non-residential and residential uses and are on the edge of the mid-mile location criteria for non-residential zoning. One of the purposes of the “NO” district is to be a very low-intensity office use that is compatible with nearby residential uses. Within the limited uses in the “NO” Neighborhood Office district, the limited size of the subject property and the Protective Overlay the rezoning of this property should not adversely affect nearby properties.

Motion --
-- carried

Knight moved that the zone change with Protective Overlay #110 be approved; and the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, as amended. ZON2002-00016

(Item 32)
CON2002-10

CON2002-10 – CONDITIONAL USE TO ALLOW USED CAR SALES ON PROPERTY ZONED LIMITED COMMERCIAL – NORTHWEST CORNER OF HYDRAULIC AND WASSALL. (District III)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 02-1395

MAPC Recommendation: Approve, subject to conditions (6-3).

DAB Recommendation: Approve, subject to conditions and subject to limiting the Conditional Use to the current owner – applicant (7-2).

Staff Recommendation: Deny.

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The applicant, Paul Weigand, is requesting consideration and recommendation for a Conditional Use to allow used car sales on property zoned "LC" Limited Commercial. The property (14,782.88 square feet) is described as Lots 10 & 11, Block E, Graber Addition, located on the northwest corner of the Wassall - Hydraulic intersection. Wassall fronts the south side of the property and Hydraulic fronts its east side. The Unified Zoning Code requires a Conditional Use for vehicle and equipment sales, outside in "LC" Limited Commercial zoning. The applicant has submitted a site plan.

The applicant is requesting consideration of used car sales on this property, which contains a vacant 1,500 square foot building to be used as office space and a concrete parking area where he proposes to display the used cars and provide parking for prospective buyers. The site plan shows 5 parking spaces to be provided for customers, this is sufficient for this site; the applicant needs to designate one space for handicap parking. There are 9 spaces for display and the site plan shows approximately 51-ft of circulation on the Hydraulic side and Staff scales approximately 30 feet on the Wassall side.

The neighborhood to the north is zoned SF-5 and has developed residential. There is a 6-foot stockade fence between the proposed used car lot and the residence adjacent to it on the north side. The neighborhood to the west is zoned TF-3 and is developed as single family residential. There is a 6-foot stockade fence that runs the width of the southwest lot adjacent to the proposed site, the next lot north of this lot has no screening between it and the proposed site. On the east side (across Hydraulic) there is Louie's Liquor at the intersection, then north of it Shooter's, a billiards hall. North of these two businesses on the west side there are single family and multifamily residences. Development on the south includes a restaurant on the southeast side of the intersection and a Quick Trip on the southwest side of the intersection. Adjacent to these businesses are two small strip centers containing barber - beauty shops, sandwich shops, insurance businesses, a bingo hall, bars, and restaurants. Beyond these businesses and south to the Hydraulic - I-135 Loop, are residences (both single family and 4-plex) and warehouse - distribution developments.

A previous request by the same applicant for a Conditional Use to allow used car sales on this same site was considered just over 13 months ago. The Conditional Use was recommended for approval by the MAPC (10-2) at their March 8, 2001 meeting. DAB III, at their April 17, 2001 meeting, recommended denial (8-0). At their May 1, 2001 meeting the WCC voted to deny the Conditional Use (7-0).

For the current request, DAB III, at their April 17 2002 meeting, recommended the Conditional Use (7-2), subject to Staff conditions, and added that the Conditional Use be limited to the current owner - applicant. Based on previous advice from the Law Department, this would not be an appropriate or enforceable restriction. No one spoke in opposition to the request at the DAB III meeting.

For the current request, no one spoke in opposition to the request at the April 18, 2002 MAPC meeting. At the meeting, the applicant indicated that he preferred to not be limited by the suggested "standard" conditions on signage, elevated platforms, and limiting the outside sales to cars and light trucks. However, the approved motion of the MAPC included those conditions. There have been two written protests to the request, from the owners abutting this lot to the west. The MAPC recommended approval (6-3) subject to the following conditions:

1. In addition to uses permitted in the "LC" Limited Commercial district, the site shall be limited to the sales of used cars and light trucks. No sale or rental of trailers, vehicles or trucks larger than pick ups.
2. The vehicle sales lot shall not be conducted in conjunction with any use not directly related to such a business. Any automotive service or repair work conducted on the site shall be entirely within a building. No body or fender work shall be permitted without first obtaining "GC" General Commercial zoning.
3. The applicant shall submit a revised site plan for review and approval by the Planning Director, prior to the issuance of a building permit, per City Standards
4. The applicant shall install and maintain landscaping in accordance with the revised landscape plan submitted with the revised site plan.
5. Parking barriers shall be installed along all perimeter boundaries adjacent to streets, except at driveway entrances or where fences are erected, to ensure that parked vehicles so not encroach onto public right-of-way.

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6. No temporary display signs are permitted, including the use of commercial flags, banners, portable signs, pennants, streamers, pinwheels, string lights, search lights, bunting and balloons.
7. There shall be no use of elevated platforms for the display of vehicles.
8. No amplification system shall be permitted.
9. No outside storage of salvaged vehicles or parts shall be permitted in association with this use.
10. The lighting standards of Section IV-B.4 of the Unified Zoning Code shall be complied with. No string-type lighting shall be permitted.
11. The applicant shall erect and maintain a solid six-foot screening along the northern and western property lines that are adjacent to residential zoning and the existing residential development.
12. The applicant shall guarantee the closure of the Hydraulic and Wassel entrances that are closest to the intersection and continue the curb and gutter according to City standards. Dedication of access control allowing closing the Hydraulic and Wassall entrances that are closest to the intersection by separate instrument shall be submitted to Staff for recording.
13. Any violation of the conditions approved, as a part of this request, shall render the Conditional Use null and void.

Council Member Fearey Council Member Fearey inquired as to future consequences if the same request occurs in other locations.

Marvin Krout Director of Planning said the City Council established clear policy in the last Comprehensive Plan update. Car lots are not an allowed use unless already established in neighborhood residential. City Council could allow the waiver but it would send a signal that the Policy is not strong.

Council Member Lambke Council Member Lambke said the applicant does live in the neighborhood. The Neighborhood Association and the DAB both okayed the request.

Motion -- Lambke moved that the City Council concur with the findings of the MAPC and approve the Conditional Use to permit a used car sales lot, subject to the recommended conditions. Motion carried -- carried 6 to 1. Fearey – No.

**ZON2002-00015
& CUP2002-00007**

ZON2002-00015 – REQUEST FOR ZONE CHANGE FROM GENERAL OFFICE TO LIMITED COMMERCIAL; AND CUP2002-00007 – TRANSFER A PORTION OF PARCELS FROM DP-201 WILSON ESTATES RESIDENTIAL C.U.P. TO DP-200 WILSON PROPERTY NORTHEAST COMMERCIAL C.U.P. – SOUTH OF 21ST STREET NORTH, WEST OF WEBB ROAD. (District II)

Agenda Report No. 02-1396

MAPC Recommendation: Approve, subject to conditions and staff recommendations (11-0).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to conditions and staff recommendations (9-0).

The applicant is requesting that approximately 13 acres from Parcels 8, 8B and 8C of DP-201 Wilson Estates Residential C.U.P. be transferred to DP-200 Wilson Estates N.E. Commercial C.U.P. Although office uses were permitted in these parcels by DP-201 (the residential C.U.P.), the applicant would like to consolidate the commercial/office tracts into DP-200 to make a clearer division between the residential and commercial tracts, and to add signage on Webb Road.

The requested “LC” Limited Commercial zoning is a buffer strip currently zoned “GO” General Office along the southern edge that was intended to separate commercial uses from the Clubhouse Villas residential development to the south. Additional “LC” is requested on the west of Parcels 2 and 3 of DP-200.

Currently, DP-200, known as Legacy Park, is developed with a bank (Prairie State Bank) on Parcel 1. A slight reduction in size of Parcel 1 from 1.10 to 1.05 acres is shown to correct a land conveyance from Prairie State Bank to Laham Holding. Parcel 2 is developed with a Walgreens. Although the C.U.P. drawing shows some other changes on Parcels 1 and 2 (Parcel 1 has a reduction of the interior west setback from 35 feet to 15 feet and Parcel 2 has an increase in the west setback line from five to 15

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feet), these changes are being removed because the owners of the parcels are not included as signatories in the application.

Parcel 3 of DP-200 is currently undeveloped. The amendment proposes to split Parcel 3 in an east/west direction and recombine it with an additional 1.8 acres from Parcel 8 of DP-201 currently zoned "GO" General Office. The reconfigured Parcel 3 is 1.37 acres in size and is proposed for "LC" Limited Commercial zoning. It is located west of Walgreens with a narrow tail of property extending to Webb Road. Proposed uses are restaurant, retail, office and personal service uses. Four currently allowed uses are removed: small animal clinics, tire, battery and accessory stores, hardware, and furniture stores. Parcel 12 is located along the southern property line of the commercial development, adjoining a residential development, Clubhouse Villas. "LC" zoning is requested for all of Parcel 12, including the 60-foot buffer strip and possible access drive that currently separates the commercial uses from Clubhouse Villas. Proposed uses are the same as for Parcel 3, but the proposed floor area is greater (0.30 for Parcel 12 and 0.167 for Parcel 3). The setback along the south property line is 35 feet, the minimum required for commercial C.U.P.s with a common property line with residential zoning.

The remaining land to be added to DP-200 consists of eight office parcels. Three are already developed: Parcel 5 (1.06 acres, "FAR" floor area ratio 0.126) is developed with a dentist office; Parcel 6 (3.12 acres, FAR 0.199) is occupied by Wichita Clinic; and Parcel 11 (1.02 acres, 0.125) is being developed with a chiropractic office. The undeveloped parcels are: Parcel 4 (1.07 acres, FAR 0.214), Parcel 7 (1.11 acres, FAR 0.196), Parcel 8 (1.03 acre, FAR 0.179), Parcel 9 (0.68 acre, FAR 0.203), and Parcel 10 (0.92 acre, FAR 0.231). Permitted uses for "GO" tracts are general office and medical service; all residential uses previously permitted on this property are excluded. Setbacks have changed in two ways. First, because of exclusion of residential uses, the previous setbacks that were based primarily on residential development are eliminated. Second, the property fronting onto 21st Street North currently had a setback for office uses of 90 feet for one-story offices and 200 feet for two-story offices, but the 200 feet for two-story use is eliminated (affects Parcel 4). The C.U.P. drawing showed a 25-foot setback on the southern office parcels, but the applicant has agreed to increase these to 35 feet, which is the minimum requirement of nonresidential C.U.P.s.

Signage is relatively restrictive in terms of the amount requested per parcel, although no monument sign height is specified. There are no restrictions proposed by the C.U.P. for building signage, and the typical spacing of 150 for freestanding signs is reduced to 75 feet on Webb.

The applicant has agreed to additional restrictions on the C.U.P. First, drive-in and drive-through restaurants and uses with overhead doors would be prohibited. Buildings on Parcels 9-12 would be limited to one-story in height. Landscape buffering would be provided at a rate of 1.5 times the requirements of the Landscape Ordinance and all would be coniferous. The developer did ask for flexibility to spread landscaping on both the north and south sides of the screening wall between Clubhouse Villas at Wilson Estates. Also, the screening wall would be constructed as commercial/office development occurs. Architecture would be consistent with that at Bradley Fair and Legacy Park, but with the possibility of adding a brick as an additional accent material. All building sides would be finished with the same architectural materials and any rooftop mechanical units would be screened from view around the whole building.

The surrounding area includes Tallgrass residential areas to the north of 21st Street North and a new shopping center, Cambridge Market, being developed east of Webb Road. A vacant tract directly west of the application area is being discussed for residential use, probably twin homes. The next tract of land to the west is under development with patio homes and single-family homes. Clubhouse Villas, a townhouse condominium development, is located directly south of the application area. Additionally, the vacant tract south of Clubhouse Villas is being requested for creation of another C.U.P. for office development, DP-260 Wilson Estates Medical Park, associated with a zone change from "SF-5" Single-Family to "GO" General Office.

At the District II Advisory Board meeting held April 15, 2002, residents from The Foliage, Wilson Estates, legal counsel to the residents of Clubhouse Villas, and representatives from Eastminster United Presbyterian Church were present. The citizens had numerous questions and comments. The Board voted (9-0) to recommend the requested C.U.P. amendment and zone change be approved subject to staff recommendations.

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At the MAPC meeting held April 18, 2002, MAPC voted (11-0) to recommend approval subject staff's recommendations except to reduce the setback for Parcel 12 (the commercial parcel adjoining the Clubhouse Villas) to 35 feet. Staff had recommended the setback should either be 50 feet or could be reduced to 35 feet with elimination of all service drives and openings along the abutting southern property line near the residential dwellings.

Motion --

Knight moved that the City Council concur with the findings of the MAPC and approve the zone change and C.U.P. Amendment #2, subject to the recommended conditions; and instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

-- carried

(Item 34)

ZON2002-00018

CUP2002-00010

ZON2002-00018 – REQUEST FOR ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO GENERAL OFFICE FOR DEVELOPMENT OF A MEDICAL OFFICE PARK; AND CUP2002-00010 – CREATION OF DP-260 THE WILSON ESTATES MEDICAL PARK C.U.P. – SOUTH OF WILSON ESTATES PARKWAY, WEST OF WEBB ROAD. (District II)

Agenda Report No. 02-1397

MAPC Recommendation: Approve, subject to conditions and staff recommendations (11-0).

Staff Recommendation: Approve, subject to conditions.

DAB Recommendation: Approve, subject to conditions and staff recommendations (8-1).

The applicant is requesting that a 33-acre tract known as Parcel 11 of DP-201 Wilson Estates Residential C.U.P. be removed from DP-201 and be created as a new, separate Community Unit Plan. The new C.U.P. would be known as DP-260 Wilson Estates Medical Park.

The tract would be divided into ten parcels. A total of 220,000 square feet of office use is requested, with over one-third being located on Parcel 10 (14.67 acres). The remaining nine lots range in size from 0.81 acre to 3.17 acres. The floor area ratio for the development would be 0.17.

Permitted uses are general office and medical service; all residential uses previously permitted on this property are excluded.

Setbacks and landscape buffers are proposed as follows: 40 feet on the north; 53 feet of the east (setback only, landscaping would be only a landscaped street yard per the Unified Zoning Code); 100 feet on the south; and 200 feet on the west.

Access is proposed via Webb and Wilson Estates Parkway. Two access points are shown on Webb, with one roughly opposite the main entrance to Eastminster United Presbyterian Church and the other approximately 50 feet offset from the southern entrance to Eastminster. Two access points are shown on Wilson Estates Parkway, with one near Webb and the other near the western edge of the tract.

The applicant's agent has agreed to additional restrictions on the C.U.P. First, Parcels 1, 3, 4, and 5, located along Wilson Estates Parkway, would be restricted to one-story buildings. Second, left turns would be prohibited at the eastern entrance onto Wilson Estates Parkway. Also, landscape berms six to seven feet in height would be installed along Wilson Estates Parkway, even if it requires more than a 40-foot wide landscape buffer. Within this bermed area, there would be a landscaped street yard at least equivalent to one shade tree every 25 feet. Architecture would be consistent with that at Bradley Fair and Legacy Park, but with the possibility of adding a brick as an additional accent material. All building sides would be finished with the same architectural materials and any rooftop mechanical units would be screened from view around the whole building. Finally, the development would be responsible to install pedestrian crosswalks with red pavers and appropriate signage at both driveways of Clubhouse Villas in order to connect with the arterial sidewalk on the south side of Wilson Estates Parkway.

The agent also agreed to limit signage one monument sign at each of the two driveways on the two streets, for a total of four signs, each with a maximum height of ten feet and size of 44 square feet.

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The surrounding area is low-density single-family (3/4 to one acre per lot) development to the south (The Foliage), southeast (Country Place) and west (The Preakness) on "SF-5" Single-Family zoning. The property to the north also is zoned "SF-5" and developing with four-plex condominium units, Clubhouse Villas at Wilson Estates. The density of this development is five dwelling units per acre, which is considered low to moderate density. Eastminster is located across Webb Road.

At the District II Advisory Board meeting held April 15, 2002, citizens from the nearby residential areas (The Foliage, Wilson Estates, and residents of Clubhouse Villas and their legal counsel), and a representative from Eastminster United Presbyterian Church were present to ask questions and provide comments. They expressed concerns with traffic on Wilson Estates Parkway, the need for a greater buffer along the southern property line, limitation in building height and potential light spillage toward the residential area to the south. The counsel for Clubhouse Villas stated that he was working out restrictive covenants with the developer and asked for the DAB to include these covenants as part of the recommended conditions for approval. The DAB felt the covenants were a private matter. However, the majority of the covenants were incorporated in the recommendations as presented by staff. The agent for the developer objected to the transportation improvements as requested by staff and recommended that they be worked out later with the City's Traffic Engineer. The DAB voted (11-0) to recommend approval subject to staff recommendations.

At the MAPC meeting held April 18, 2002, there were residents and legal counsel from the surrounding residential areas. Concerns included the proper location of drive entrances along Webb Road to minimize conflicts with Eastminster and The Foliage, the configuration of Parcel 9 closest to The Foliage (in terms of height of buildings, lighting, parking within the buffer area). Signage was clarified that the applicant is requesting a total of six monument signs on Webb Road and two monument signs on Wilson Estates Parkway. Again, neighbors addressed the issue of not wanting commercial traffic traveling westbound on Wilson Estates Parkway from the office development. Transportation improvements were discussed. Staff recommendations were modified to state that details would be determined at time of platting; the agent, Rob Hartman, objected to all transportation requests except the traffic signal, and wanted all decisions postponed to platting. Staff pointed out that the public would normally not be aware of changes in transportation improvements if done during the platting process. To avoid this situation, staff would provide courtesy notice to the interested parties in the case. MAPC voted (8-1) to recommend approval subject to the developer's requests concerning signage and traffic improvements.

Protests have been filed, representing just under 20 percent of the eligible land. Staff has also been informed that another agreement had been reached between The Foliage homeowners and the applicant, and so some of these protests may be rescinded before the Council meeting.

Council Member Pisciotte "As Marvin has very adequately explained, this is a zone change that is very complicated because it impacts not only the applicant's desire to make this change but also some neighborhoods and businesses in the area. And, when you fold in the concern about the future of Webb Road it becomes complex - but it has had a full dialog. Staff has worked very well with the various parties involved in it and I think they've arrived at some good accommodations. I think the DAB had an opportunity to hear an awful lot of concern and testimony and they gave recommendations that the dialog continue - and the applicant has met with literally dozens of folks in the area. Based on the unanimous votes at the MAPC, staff recommendation, and with the DAB's involvement, and with the applicant's willingness to meet with the neighborhood and the accommodations that they have reached, I think it is good public policy to pass this, as Marvin has suggested, and I strongly affirm that. The few minor considerations that are left, we have urged them to continue to work on and we have an opportunity at platting to bring it back anyway."

Motion --

-- carried

Pisciotte moved that the City Council concur with the findings of the MAPC and approve the zone change and CUP, subject to the recommended conditions; and instruct the planning department to forward the ordinance for first reading when the Plat is forwarded to the City Council. Motion carried 7 to 0.

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A02-07

A02-07 – ANNEX LAND LOCATED AT THE SOUTHEAST CORNER OF TYLER AND 29TH STREET NORTH. (District V)

Agenda Report No. 02-1398

The City has received a request to annex approximately 65 acres situated at the southeast corner of the intersection of Tyler and 29th Street North. The property owner is anticipating a mix of residential and commercial development, with development projected to be complete within four years. Additionally, the request includes a section of 29th Street North to the east of Tyler Road. The property is adjacent to the City of Wichita on all four sides, with the exception of a small “L” shaped drainage detention pond. The City is working with the property owner of the drainage detention pond to secure an annexation request for it as well.

Land Use and Zoning: The annexation site is presently agricultural and is zoned “SF-20” Single Family Residential and “LC” Limited Commercial. Land surrounding the proposed annexation site is primarily residential. Land north and west of the proposed annexation site is zoned “SF-5” Single Family Residential, “TF-3” Two Family Residential, and “LC” Limited Commercial; while land to the east and south is zoned “SF-5” Single Family Residential. Upon annexation, the “SF-20” Single Family Residential zoning of the subject property will convert automatically to “SF-5” Single Family Residential. A final plat of the proposed annexation site is currently pending approval of the MAPC and the City Council. In addition, the property owner’s request to re-zone approximately 2 acres “GO” General Office was approved by the governing body in March of this year.

Public Services: The City Public Works Department indicates that the property proposed for annexation can be connected to the water and sewer system from mains located along Tyler Rd. and 29th Street North with the cost of the extensions paid for by the property owner.

Street System: The property proposed for annexation will have access to 29th Street North (2-lane arterial), and Tyler Road (2-lane arterial). There are plans to improve sections of 29th Street North to a 4-lane urban standard in the 2001-2010 City of Wichita Capital Improvement Plan (C.I.P.), with construction between Ridge Road and Tyler Road beginning in 2005, and between Tyler Road and Maize Road in 2004.

Public Safety: The Wichita Fire Department can serve this site within a five (5) to seven (7) minute approximate response time from Station No. 16, located at 1632 North Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

Parks: Sunset Park is located approximately 1.5 miles southwest of the property proposed for annexation, beyond the service area of the park. Additionally, Sedgwick County Park is situated one mile southeast of the property proposed for annexation.

School District: The property is located in Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Comprehensive Plan.

The approximate assessed value of the property proposed for annexation is \$2,020,626. Assuming the current City levy remains about the same, this would roughly yield \$63,680 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion --
-- carried

Knight moved that the annexation request be approved and the Ordinance be placed on first reading.
Motion carried 7 to 0.

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ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A02-07

Mayor Knight left the Bench; Vice Mayor Martz in the Chair.

(Item 36)

ZON2000-00035

ZON2000-00035 – ZONE CHANGE FROM SINGLE-FAMILY RESIDENTIAL TO NEIGHBORHOOD RETAIL – WEST SIDE OF TYLER, APPROXIMATELY 1/3 MILE SOUTH OF CENTRAL – 427 NORTH TYLER. (District V)

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 02-1399

Staff Recommendation: Approve one-year extension of time to complete platting.

On October 17, 2000, the City Council approved a zone change from “SF-6” Single-Family Residential and “NR” Neighborhood Retail on property generally located on the west side of Tyler, approximately 1/3 mile south of Central (427 N. Tyler). Approval of the zone change was subject to the condition of platting the property within one year. While in the process of preparing the plat, the applicant discovered a restrictive covenant on the property that prohibits commercial use of the property. Since this restrictive covenant was not revealed by the title search prior to purchasing the property, the applicant has been undertaking a lengthy legal process with the title insurance company and is attempting to remove the restrictive covenant from the property. These processes prevented completion of the plat prior to the deadline. Therefore, staff approved a six-month extension of time to complete platting to April 17, 2002. The applicant indicates that the legal processes regarding the restrictive covenant are still on-going; therefore, the applicant has requested an additional one-year extension of time to complete platting. MAPC Policy Statement No. 5 indicates that second extensions of time to complete platting require City Council approval.

Motion --
-- carried

Martz moved that the one year extension of time to April 17, 2003, to complete platting be approved. Motion carried 6 to 0. (Knight absent)

(Item 37)

DR2001-08

DR2001-08 - ORDINANCE AMENDMENTS PERTAINING TO THE BOARD OF ZONING APPEALS.

Marvin Krout

Director of Planning reviewed the Item.

Agenda Report No. 02-1400

Changes were recently made to the Board of Zoning Appeals Bylaws to bring them into compliance with the provisions of Title 28, The Sedgwick-County Unified Zoning Code and Title 24, the Sign Code of the City of Wichita regarding the Board's authority to grant variances and to hear appeals of Code interpretations of the Zoning Administrator.

Amendments to Sections 2.12.580 and 2.12.590 of the City's Code are necessary to bring the ordinances into compliance with Titles 28 and 24, as well as the Bylaws established by the Board of Zoning Appeals.

The proposed amendments grant the Board authority to determine appeals of the Zoning Administrator's interpretations of the Zoning, Sign and Landscape Codes consistent with other City Code provisions. The amendments also grant the Board authority to grant variances of the sign and zoning codes. The amendments delete authority to grant exceptions to the zoning code, as these are

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currently being handled by the Metropolitan Area Planning Commission. Finally, the amendments require notification of adjacent property owners on appeals.

Motion – carried

Martz moved that this Item be deferred one week. Motion carried 6 to 0. (Knight absent)

AIRPORT AGENDA

AIRPORT

ISSUANCE OF AIRPORT SPECIAL FACILITY REVENUE BONDS – CESSNA CITATION SERVICE CENTER.

Agenda Report No. 02-1401

On December 18, 2001, the City Council and the Wichita Airport Authority approved an incentive package for the Cessna Citation Service Center, including the issuance of Airport Special Facilities Revenue Bonds in the amount of approximately \$60 million. On February 5, 2002, the Airport Authority approved the adoption of a resolution stating its intent to issue the bonds. On May 7, 2002, City Council held a public hearing to comply with federal regulations because the bonds to be issued are tax-exempt bonds. Cessna is requesting the Wichita Airport Authority approval for issuance of Airport Special Facility Revenue Bonds in the amount of approximately \$49.3 million.

Cessna has begun construction of a 450,000 square foot service center on 150 acres of airport land located on Hoover Road north of K-42 highway at a cost of approximately \$60 million. The project will result in the addition of 800 new jobs by Cessna and will provide a significant tourism boost due to the large number of Cessna Citation owners and their flight crews who will make extended visits to Wichita by virtue of the service center's location here.

In addition to the building costs, which will be born entirely by Cessna, the City will fund one-half of the cost of site work needed to prepare the site for construction and to provide access roads, paving, parking and landscaping, up to a maximum cost of \$8.7 million. Sedgwick County will be responsible for paying the local match for widening Hoover Road from 31st Street South to Harry, in conjunction with a \$6.95 million economic development grant from the Kansas Department of Transportation. Congress has earmarked up to \$10.0 million for the construction of a parallel taxiway in front of the service center site, for which the Airport Authority will pay up to \$1.2 million in local matching funds.

The bond proceeds will be used to finance building and site costs that qualify under federal law for tax-exempt bond financing, including facilities used to provide aircraft maintenance and repair services. Non-qualified costs, such as facilities used for marketing and customer relations, in the approximate amount of \$10.7 million, will be financed by taxable bonds issued at the completion of the project. The tax-exempt bonds will be publicly marketed to investors by an underwriting syndicate led by Banc of America Securities, LLC. Textron Corporation, Cessna's parent company, plans to purchase the taxable bonds at completion of construction. The firm Hinkle Elkouri Law Firm, L.L.C., serves as bond counsel in the transaction.

The City's share of the incentive package will be financed by a combination of airport funding, primarily for site improvement costs and matching funds for taxiway improvements, and funding provided in the adopted CIP, primarily for Hoover Road expansion and part of site costs. All costs associated with the issuance of Airport Special Facility Revenue Bonds will be paid by Cessna.

Motion --

Martz moved that the Bond Resolution authorizing the execution and delivery of documents for the issuance of Airport Special Facility revenue Bonds in an amount of approximately \$49.3 million be adopted; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

-- carried

RESOLUTION NO. A-02-006

A Resolution authorizing the Wichita Airport Authority of the City of Wichita, Kansas, to construct and equip an aircraft service center to be leased to Cessna Aircraft Company; authorizing the issuance of its Airport Special Facilities Revenue Bonds, Series A, 2002 (Cessna Citation Service Center Project) in the aggregate principal amount of \$49,300,000; authorizing execution of a trust indenture by and

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between the Wichita Airport authority of the City of Wichita, Kansas and Intrust Bank, N.A., as Trustee; authorizing the Wichita Airport Authority of the City of Wichita, Kansas to lease the facility to Cessna Aircraft Company and authorizing execution of a lease between said Airport Authority and Cessna Aircraft Company; approving the form of a Guaranty Agreement; authorizing execution of a Tax Compliance Agreement by and among said Airport Authority, the Trustee and Cessna Aircraft Company; authorizing the execution of an Underwriting Agreement for the Bonds by and among said Airport Authority, Cessna Aircraft Company, Textron Inc. and Banc of America Securities LLC, as original purchaser, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte.

AIRPORT

SUPPLEMENTAL AGREEMENTS – CARGO BUILDING LEASE RENEWALS.

Agenda Report No. 02-1402

The cargo building was originally constructed in 1967 and expanded in 1979. The 31,500 sq.ft. facility currently houses 15 different tenants including Air Freight Central of Kansas, America West, Bestway International, Emery Air Freight, Evergreen Aviation Ground Logistics Enterprises, Mid-Continent Transport, Northwest Airlines, Ryan International, Security Technologies Group, TRICORP, United Airlines, U. S. Customs, U. S. Postal Service, United Parcel Service, and Wichita Air Cargo Delivery. Leaseholds range from 1,200 sq.ft. to 4,934 sq.ft. each. With the exception of two tenants, TRICORP and U. S. Customs, the remaining 13 companies are operating under three-year lease arrangements.

The current lease agreements end June 30, 2002. The facility has been appraised by Steve Martens of the Martens Companies, and it is Mr. Martens' recommendation that the current rate of \$6.50/sq.ft./year be extended for an additional three-year period, based upon his review of the market.

Revenue generated from the 13 agreements is \$189,150. Tenants are responsible for all maintenance, repairs, and utilities within their leasehold, with the exception of structure, roof, and replacement of unit heaters, which are the WAA's responsibility.

Motion --
-- carried

Martz moved that the Agreements be approved and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

AIRPORT

STREET SIDE PAVEMENT.

Agenda Report No. 02-1403

The 2002 Capital Improvement Program allows for street side pavement improvements.

Mid-Continent Drive is in need of pavement rehabilitation. The pavement is deteriorating due to age.

The project is estimated to cost \$220,000 and will be funded with General Obligation Bonds paid with airport revenue.

Motion --
-- carried

Martz moved that the project be approved; the Resolution be adopted; and bid solicitation be authorized. Motion carried 6 to 0. (Knight absent)

RESOLUTION NO. A-02-007

A Resolution declaring that a public necessity exists for, and that the public safety, service and welfare will be advance by the authorization of certain capital improvements to the Wichita Mid-Continent Airport Facility; and setting forth the nature of said improvements; the estimated cost thereof; and the manner of payment of same, presented. Martz moved that the Resolution be adopted. Motion carried 6 to 0. (Knight absent) Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte.

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AIRPORT

CESSNA CITATION SERVICE CENTER AIRFIELD PAVEMENT – TAXIWAY “M.”

Agenda Report No. 02-1404

On February 5, 2002 City Council approved a construction budget for Taxiway “M”. The taxiway is being built to serve the Cessna Service Center and future development on the east side of the airport.

Conoco owns and operates a 4” pipeline that delivers jet-A-fuel to the airport. In order for construction of the taxiway and service center, sections of the pipeline will need to be relocated.

The estimate for the utility relocation is \$100,000. A portion of the relocation will be paid with a pending FAA grant and the remaining portion will be paid with General Obligation bonds paid by airport revenue. The relocation of a fuel pipeline was included in the approved construction budget.

Motion --
-- carried

Martz moved that the payment to Conoco and necessary budget adjustments be approved. Motion carried 6 to 0. (Knight absent)

HOUSING AGENDA

Inafay Grays-McClellan, Housing Member also seated with the City Council.

HUD

FAMILY SELF SUFFICIENCY PROGRAM GRANT APPLICATION.

Agenda Report No. 02-1405

The Department of Housing and Urban Development (HUD) has issued a Notice of Funding Availability (NOFA) for the continued funding for the Family Self Sufficiency Program Coordinator position. The NOFA also allows housing authorities to request funding for one additional FSS program coordinator to support homeownership activities for its FSS program participants.

The Family Self Sufficiency (FSS) program is a requirement established by HUD several years ago as a condition of receiving additional Section 8 vouchers. The program is voluntary for any given tenant, however, it establishes a considerable incentive for Section 8 tenants to increase their income potential and eventually become independent of public assistance. The FSS coordinator works with the program participants to facilitate the connection with community resources such as job training, which will enable the tenants to reach self-sufficiency. While not a goal prescribed by HUD, numerous FSS participants have entered the Homeownership 80 program and/or the Section 8 homeownership program at the completion of the FSS program and became homeowners.

The FSS program is required by HUD.

The amount of the application is \$155,953, which would cover the salary and fringe benefits of two family self sufficiency program coordinators currently employed and one additional coordinator to support homeownership activities. Since the program is mandated by HUD, this funding source will enable the housing authority to hire the needed staff to administer the program.

Motion --
-- carried

Martz moved that the application and receipt of funds be approved; and the necessary signatures be authorized. Motion carried 6 to 0. (Knight absent)

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SECTION 8

REVISIONS TO SECTION 8 ADMINISTRATIVE PLAN.

Agenda Report No. 02-1406

On October 17, 2000 the City Council approved the Section 8 Homeownership program, which allows Section 8 program participants to purchase a home and use their rental assistance voucher to help pay the mortgage payments. To date, three families have taken advantage of this opportunity.

The Housing Authority also operates a Family Self-Sufficiency (FSS) program, which encourages families to increase their earnings income by depositing a portion of their increased rent into an escrow account for their use when they have reached certain self-sufficiency goals. One such goal may be purchase of a home, in which the escrow account may be used for the down payment. The program description of the FSS program states that participants will be given preference to participate in the homeownership program. This amendment would make the program description of the homeownership program consistent with FSS.

The goal of the Family Self-Sufficiency program is to move families away from a reliance on public assistance. Likewise, homeownership can be a means for building personal assets and increasing one's ability to be independent of continued rental subsidies. The two programs can work hand in hand, and the Department of Housing and Urban Development is encouraging Housing Authorities to make greater use of the homeownership option, especially for FSS participant families.

The Governing Board of the Housing Authority must approve revisions to the Section 8 Administrative Plan before they can be implemented.

Motion --
-- carried

Martz moved that the Administrative Plan amendments be approved. Motion carried 6 to 0. (Knight absent)

ADJOURNMENT

The City Council meeting adjourned at 10:28 a.m.

Pat Burnett CMC
City Clerk